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Attorneys for Plaintiff CellLink Corp.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

CELLINK CORP.,
Plaintiff,

v.

MANAFLEX LLC
Defendant.

Case No. 4:23-cv-4231-HSG

**CELLINK'S NOTICE OF
WITHDRAWAL OF MOTION TO
DISMISS MANAFLEX'S UNFAIR
COMPETITION COUNTERCLAIM
[DKT 74]**

Hon. Haywood S. Gilliam, Jr.

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Please take notice that, pursuant to this Court's November 11, 2024 Order granting CelLink's
 3 motion for leave to file amended complaint (Dkt. 105) and November 25, 2024 Order directing
 4 CelLink to show cause why CelLink's motion to dismiss counterclaim (Dkt. 74) should not be
 5 terminated as moot in light of CelLink's filing of its First Amended Complaint (Dkt. 110), CelLink,
 6 by and through its attorneys, hereby withdraws its Motion to Dismiss Defendant Manaflex's unfair
 7 competition counterclaim (Dkt. 74) ("Motion to Dismiss") filed on July 9, 2024 in the above-
 8 captioned matter.

9 CelLink's First Amended Complaint supersedes its original complaint. *Ramirez v. Cnty. of*
 10 *San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015). Accordingly, CelLink withdraws its Motion
 11 to Dismiss (Dkt. 74) as it no longer targets the operative complaint. CelLink's withdrawal is without
 12 prejudice to CelLink's ability to move to dismiss any of Defendants' counterclaims in response to
 13 CelLink's First Amended Complaint pursuant to Fed. R. Civ. P. 12(b).

14 In light of the foregoing, CelLink respectfully requests that the Court discharge its Order to
 15 show cause (Dkt. 110).

16
 17
 18 Dated: December 2, 2024

By: /s/ Andrea Levenson

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8 *Attorneys for Plaintiff CelLink Corp.*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day, a true and correct copy of the foregoing document was served by filing the same via the Court's CM/ECF system, which will provide notice of the filing of same to all counsel of record.

Date: December 2, 2024

/s/Andrea Levenson
Andrea Levenson